

## REMARKS

In the Office Action, the Examiner has imposed a restriction requirement between Group I drawn to an apparatus (claims 1-12) and Group II drawn to a method (claims 12-20). During a telephone conversation between the Examiner and Mr. Matt Hillman on January 29, 2004, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-12, and that election is hereby confirmed. Accordingly, claims 13-20 are hereby canceled without prejudice or disclaimer of subject matter.

Also in the Office Action, pending claims 1-12 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,576,185. In response, Applicant is filing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c).

Also in the Office Action, claims 1-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hervert et al. (U.S. Patent No. 3,472,632).

In this Response to Office Action, independent claim 1 has been amended to now recite a liner comprising a porous layer, a connector for establishing fluid communication with the porous layer and a pump in fluid communication with the connector. Support for these amendments is found in the specification on page 7 at lines 6-8. Also, claim 9 has been amended to accommodate amendments to independent claim 1.

Also in the Response to Office Action, new claims 21-28 have been added. In greater detail, independent claim 21 recites, *inter alia*, a system for hydrothermal treatment of a reactant having a vessel, a liner formed with a porous layer and a means

for pumping a heat transfer fluid into the porous layer to maintain a pre-selected temperature for the liner. New claims 22-28 depend from independent claim 21. Support for these new claims is found in the specification beginning on page 6 at line 19 and continuing to page 7 at line 13, and in the original claims.

Amendments to the claims and the new claims have been presented herein to improve the readability of the claims and to point out the features which distinguish the present invention over the cited art. Also, these amendments have been made to more clearly define the structure and cooperation of structure for the present invention. Claims 1-12 and 21-28 remain pending.

#### Double Patenting

All of the claims of the present application have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,576,185. In response, Applicant is filing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, Attorney for Applicant respectfully contends that the basis for the claim rejections based on double patenting has thus been overcome, and should be withdrawn.

#### Rejections under 35 U.S.C. § 102(b)

In the Office Action, claims 1-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hervet et al. In this Response to Office Action, independent claim 1 has been amended and now recites, *inter alia*, a liner for a hydrothermal pressure vessel comprising a porous layer, a connector for establishing fluid communication with

the porous layer and a pump in fluid communication with the connector. No such structure or cooperation of structure is disclosed in Hervert et al. Specifically, Hervert et al. fail to teach or suggest a pump in fluid communication with the porous layer of a liner. Instead, Hervert et al. disclose small, spaced apart orifices or passageways that extend through the pressure retaining wall for connection to a leakage monitoring means. For example, Hervert et al. disclose a chromatograph analyzer as one type of leakage monitoring means (see e.g. Hervert et al., Col. 2 at lines 50-58 and Col. 4 at lines 11-19). Importantly, no pump or pumping means is disclosed in Hervert et al. for introducing a fluid into, or removing a fluid from, the porous layer of a liner. Accordingly, Attorney for Applicant respectfully contends that independent claim 1, as amended, is not anticipated by Hervert et al.

In a somewhat similar manner, independent claims 11 and 21 recite a liner formed with a porous layer, and either 1) a means in fluid communication with a first section of the porous layer for selectively pumping a heat transfer fluid therethrough (claim 11), or 2) a means for pumping a heat transfer fluid into the porous layer to maintain a pre-selected temperature for the liner (claim 21). As indicated above, the cited reference, Hervert et al., fails to teach or suggest a pump or pumping means for introducing a fluid into, or removing a fluid from, the porous layer of a liner. As a consequence, Attorney for Applicant respectfully contends that independent claims 11 and 21 are not anticipated by Hervert et al.

In light of the above, Attorney for Applicant respectfully contends that independent claims 1, 11 and 21 are not anticipated by Hervert et al. Further, since claims 2-10, 12 and 22-28 depend either directly or indirectly from independent claim 1,

11 or 21, they are likewise allowable. For the reasons set forth above, Applicant believes that the basis for rejecting claims 1-12 under 35 U.S.C. § 102(b) has been overcome and the rejections should be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-12 and 21-28 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

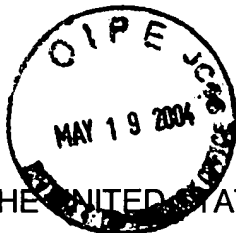
Dated this 14<sup>th</sup> day of May, 2004.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David A. Hazlebeck )  
Serial No: 09/753,319 ) Art Unit  
Filed: December 28, 2000 ) 1725  
For: SYSTEM AND METHOD FOR HYDROTHERMAL )  
REACTIONS - TWO LAYER LINER )  
Examiner: Len Tran )  
Customer No: 23862 )  
Attorney Docket: 11156.79 )

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14<sup>th</sup> day of May, 2004.

DEBRA D. BURNS  
Legal Document Assistant

Transmitted: Transmittal of Amendment in Response to the Office Action dated February 18, 2004; and Terminal Disclaimer and Check for Terminal Disclaimer.

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